

REMARKS

Claims 1-19 are pending in this application. By this response to the non-final Office Action dated May 12, 2008, claims 8 and 16-19 are amended to address formal matters cited in the Office Action. Support for the amendments is found in the specification, including the claims, as filed. No new matter has been introduced. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

Objections to the Claims

On page 2 of the Office Action, claims 17 and 18 were objected to as being in improper multiple dependent claim form. Claims 17 and 18 are amended so as to not have a multiple dependent claim dependent upon another multiple dependent claim. Accordingly, Applicant respectfully requests withdrawal of the objection and substantive examination of claims 17 and 18.

Rejections Under 35 U.S.C. § 112, Second Paragraph

On pages 2-3 of the Office Action, claims 8, 16, and 19 were rejected as being indefinite. Applicant respectfully traverses. The cited portions of the claims are amended, and more clearly recite the claimed subject matter. Applicants respectfully submit that claims 8, 16, and 19 comply with 35 U.S.C. § 112, and accordingly request withdrawal of the rejections under 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 103(a)

On page 3 of the Office Action, claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2006/0082472 (Adachi) in view of U.S. Patent App. Pub. No. 2003/0217160 (Gayama). On page 4 of the Office Action, claims 4 and 6-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adachi in view of Gayama and U.S. Patent No. 6,356,207 (Oouchi). On page 7 of the Office Action, claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Adachi, Gayama, and Oouchi in view of U.S. Patent App. Pub. No. 2003/0210228 (Ebersole). On page 8 of the Office Action, claim 12/1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Adachi and Gayama in view of U.S. Patent No. 5,394,332 (Kuwahara). On page 8 of the Office Action, claim 13/12/1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Adachi, Gayama, and Kuwahara in view of U.S. Patent App. Pub. No. 2004/0203951 (Mazzara). On pages 8-9 of the Office Action, claims 12/6, 12/8, and 12/11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adachi and Oouchi in view of Kuwahara. On page 9 of the Office Action, claims 13/12/6, 13/12/8, and 13/12/11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adachi, Oouchi, and Kuwahara in view of Mazzarra. On pages 9-10 of the Office Action, claims 14-16 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adachi in view of U.S. Patent App. Pub. No. 2002/0196134 (Lutter). Applicant respectfully traverses.

In accordance with 37 C.F.R. § 1.55(a)(4)(i)(B), Applicant supplies with this Amendment an English translation of JP Patent App. No. 2004-008611, the non-English foreign application which is the basis of priority under 35 U.S.C. § 119 for the instant application, together with a certification that the translation of the certified copy is accurate. This perfects the claim to an effective filing date for the instant application of January 16, 2004. See MPEP § 201.15.

U.S. Patent Application Publication 2006/0082472 (Adachi), published on April 20, 2006, was not published prior to the instant application's effective filing date of January 16, 2004. Additionally, Adachi cannot claim an earlier effective date, as its corresponding PCT publication, WO/2004/061394, was in Japanese – not in the English language, as required under § 102(e). Thus, Adachi is not prior art against the instant application.

Further, none of the patent applications related to Adachi are prior art. The corresponding PCT publication, mentioned above, was published on July 22, 2004 – after this application's effective filing date of January 16, 2004. Additionally, none of the Japanese applications that Adachi claims priority to were published prior to this application's effective filing date. Japanese Patent App. No. 2002-380404 was not published. Japanese Patent App. No. 2002-380403 was published as Japanese Patent App. Pub. No. 2004-212143 on July 29, 2004, and Japanese Patent App. No. 2003-414296 was published as Japanese Patent App. Pub. No. 2004-220574 on August 5, 2004 – each of which was after the effective filing date of the instant application. Thus, none of the applications corresponding to Adachi are prior art.

As Adachi serves as the primary reference in rejecting each of the claims under 35 U.S.C. § 103(a), the asserted *prima facie* cases of obviousness cannot be sustained. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103(a).

Conclusion

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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